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FILED
STATE OF CALIFORNIA
PHYSICAL THERAPY BOARD OF CALIFORNIA
SACRAMENTO, CA March 5, 2013
BY C. G. Swamoto ANALYST

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BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

Case No. 1D 2012 72669

ACCUSATION AND PETITION TO
REVOKE PROBATION

MICHAEL EDWARD PETERS, P.T.
3119 Estuary Place
Maumee, OH 43537
Physical Therapist License No. PT 38871

Respondent.

Complainant alleges:

PARTIES

1. Jason Kaiser (Complainant) brings this Petition to Revoke Probation solely in his official capacity as the Interim Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs. On or about March 20, 2012, the Physical Therapy Board of California issued Physical Therapist License Number PT 38871 to Michael Edward Peters, PT (Respondent). The Physical Therapist License was in effect at all times relevant to the charges brought herein and will expire on February 28, 2014, unless renewed.

2. In a disciplinary action entitled "In the Matter of the Application of Michael Edward Peters, PT," Case No. 1D 2012 71608, the Physical Therapy Board of California, issued a decision, effective March 20, 2012, in which Respondent was issued an Initial Probationary

1 License with certain terms and conditions. A copy of that decision is attached as Exhibit A and is
2 incorporated by reference.

3 JURISDICTION

4 3. This Petition to Revoke Probation is brought before the Physical Therapy Board of
5 California (Board), Department of Consumer Affairs, under the authority of the following laws.
6 All section references are to the Business and Professions Code unless otherwise indicated.

7 Section 2660 of the Code states:

8 The board may, after the conduct of appropriate proceedings under the Administrative
9 Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary
10 conditions upon any license, certificate, or approval issued under this chapter for unprofessional
11 conduct that includes, but is not limited to, one or any combination of the following causes:

12 (a) Advertising in violation of Section 17500.

13 (b) Fraud in the procurement of any license under this chapter.

14 (c) Procuring or aiding or offering to procure or aid in criminal abortion.

15 (d) Conviction of a crime that substantially relates to the qualifications, functions, or duties
16 of a physical therapist or physical therapist assistant. The record of conviction or a certified copy
17 thereof shall be conclusive evidence of that conviction.

18 (e) Habitual intemperance.

19 (f) Addiction to the excessive use of any habit-forming drug.

20 (g) Gross negligence in his or her practice as a physical therapist or physical therapist
21 assistant.

22 (h) Conviction of a violation of any of the provisions of this chapter or of the Medical
23 Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting
24 the violating of, or conspiring to violate any provision or term of this chapter or of the Medical
25 Practice Act.

26 (i) The aiding or abetting of any person to violate this chapter or any regulations duly
27 adopted under this chapter.

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1 (j) The aiding or abetting of any person to engage in the unlawful practice of physical
2 therapy.

3 (k) The commission of any fraudulent, dishonest, or corrupt act that is substantially related
4 to the qualifications, functions, or duties of a physical therapist or physical therapist assistant.

5 (l) Except for good cause, the knowing failure to protect patients by failing to follow
6 infection control guidelines of the board, thereby risking transmission of blood-borne infectious
7 diseases from licensee to patient, from patient to patient, and from patient to licensee. In
8 administering this subdivision, the board shall consider referencing the standards, regulations, and
9 guidelines of the State Department of Public Health developed pursuant to Section 1250.11 of the
10 Health and Safety Code and the standards, regulations, and guidelines pursuant to the California
11 Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division
12 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne
13 pathogens in health care settings. As necessary, the board shall consult with the Medical Board
14 of California, the California Board of Podiatric Medicine, the Dental Board of California, the
15 Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric Technicians
16 of the State of California, to encourage appropriate consistency in the implementation of this
17 subdivision.

18 The board shall seek to ensure that licensees are informed of the responsibility of licensees
19 and others to follow infection control guidelines, and of the most recent scientifically recognized
20 safeguards for minimizing the risk of transmission of blood-borne infectious diseases.

21 (m) The commission of verbal abuse or sexual harassment.

22 4. Section 2661 of the Code states:

23 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
24 charge of a felony or of any offense which substantially relates to the qualifications, functions, or
25 duties of a physical therapist is deemed to be a conviction within the meaning of this article. The
26 board may order the license suspended or revoked, or may decline to issue a license, when the
27 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when
28 an order granting probation is made suspending the imposition of sentence, irrespective of a

1 subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or
2 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
3 dismissing the accusation, information, or indictment."

4 5. Section 125.3 of the Code states in relevant part that:

5 The Board may request the administrative law judge to direct a licentiate found to have
6 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable
7 costs of investigation and enforcement of the case.

8 FIRST CAUSE TO REVOKE PROBATION

9 Bus. & Prof. Code 2660(d) & 2661
(Intermittent Work)

10 6. At all times after the effective date of Respondent's probation, Condition 13 stated in
11 relevant part:

12 If Respondent works less than 192 hours as a Physical Therapist in the physical therapy
13 profession in three consecutive months, those months shall not be counted toward satisfaction of
14 the probationary period.

15 7. Respondent's probation is subject to revocation because he failed to comply with
16 Probation Condition 13, referenced above. The facts and circumstances regarding this violation
17 are as follows:

18 A. On or about April 20, 2012, Respondent let his probation monitor know in a letter
19 that he could not fulfill the 192 hour requirement for three consecutive months as required by
20 paragraph 13 of his probationary order and he requested that he be allowed to surrender his
21 license.

22 B. In light of respondent's non-compliance he is in violation of his probation. He was
23 placed on probation for violating 2660(d) and 2661 of the Business & Professions Code.

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1 2. Revoking or suspending Physical Therapist License Number PT 38871, issued to
2 Michael Edward Peters, PT;

3 3. Taking such other and further action as deemed necessary and proper.
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5 DATED: March 5, 2013


JASON KAISER
Interim Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Physical Therapy Board of California Case No. 1D 2012 72669

BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Application of:

Michael Edward Peters
3119 Estuary Place
Maumee, Ohio 43537

Applicant for Physical Therapist License

Case No. 1D 2012 71608

Order Granting Initial Probationary
License as a Physical Therapist

Michael Edward Peters, filed an application for physical therapist assistant licensure to the Physical Therapy Board of California.

FINDINGS

- 1) Applicant is a graduate of the physical therapist program at University of Wisconsin-Madison in Madison, Wisconsin.
- 2) Applicant first filed his physical therapist application in the State of California on or about December 28, 2011. Question # 13 of the application asks: "Have you ever been convicted of, or pled nolo contendere to any offense in any state in the United States or a foreign country?" Applicant disclosed criminal history. He signed his application on December 7, 2011, certifying under penalty of perjury under the laws of the State of California that the information contained in the application was true and correct.
- 3) On or about August 3, 2006, Applicant plead guilty in the State of Michigan in the 33rd Judicial District Court to Operating While Impaired. Applicant was ordered by the court to pay fines, six months probation, and complete the CAP Program and Victim Impact Panel, to submit to chemical testing and to not have any contact with alcohol or controlled substances.

On or about January 14, 2011, Applicant plead guilty in Sylvania Municipal Court to Operating A Vehicle While Impaired. Applicant was sentenced to 39 days in jail with 30 days suspended and five years probation, sentence suspended on the following conditions: no alcohol related offense in the next five years, complete an Alcohol Treatment program, ten month license suspension with limited driving privileges, six day DUI program, and fines.

JURISDICTION

- 4) Section 480(a) of the Business and Professions Code provides that a board may deny a license on the grounds that the applicant has done one of the following: (1) Been convicted of a

crime...; (2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or (3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license ... revealed in the application for such license.

5) Section 2660(d) of the Business and Professions Code provides that the board may revoke, suspend or impose probationary or provisional conditions on a license for the conviction of a crime that substantially relates to the qualifications, functions, or duties of a physical therapist.

6) Section 2660.2 of the Business and Professions Code provides that the Board may refuse a license to any applicant guilty of unprofessional conduct; or as an alternative, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct but has met all the requirements for licensure.

7) Section 2661 of the Business and Professions Code provides that the board may suspend, revoke, or decline to issue a license to a person who is convicted of a felony or any offense that substantially relates to the qualifications, functions, or duties of a physical therapist.

8) The convictions identified in paragraph 3 above are substantially related to the practice of physical therapy. Cause therefore exists for denial pursuant to Business and Professions Code section 480, subdivisions (a)(1), (a)(2), and (a)(3). Given mitigating circumstances, it is not against the public interest to issue Applicant a probationary license under terms and conditions.

ORDER

IT IS HEREBY ORDERED THAT a probationary license as a physical therapist will issue to Applicant, Michael Edward Peters, subject to the following terms and conditions:

1. Probation

The probationary period for the terms and conditions herein noted is completion of the Board's drug and alcohol recovery monitoring program plus one (1) year; or three (3) years, whichever is longer.

2. Obey All Laws

Respondent shall obey all federal, state and local laws, the statutes and regulations governing the practice of physical therapy and remain in full compliance with any court ordered criminal probation. This condition applies to any jurisdiction with authority over Respondent, whether it is inside or outside of California.

Further, Respondent shall, within five (5) days of any arrest, submit to the Board in writing a full and detailed account of such arrest.

3. Compliance with Orders of a Court

Respondent shall be in compliance with any valid order of a court. Being found in contempt of any court order is a violation of probation.

4. Compliance with Criminal Probation and Payment of Restitution

Respondent shall not violate any terms or conditions of criminal probation and shall be in compliance with any restitution ordered, payments or other orders.

5. Quarterly Reports

Respondent shall submit quarterly reports under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation.

6. Probation Monitoring Program Compliance

Respondent shall comply with the Board's probation monitoring program.

7. Interview with the Board or its Designee

Respondent shall appear in person for interviews with the Board, or its designee, upon request at various intervals.

8. Notification of Probationer Status to Employers

Respondent shall notify all present and future employers of the reason for and the terms and conditions of the probation.

Prior to engaging in the practice of physical therapy, Respondent shall provide a true copy of the Initial Probationary License Decision and Order, Statement of Issues, Accusation, Decision and Order, or Stipulated Decision and Order to his or her employer, supervisor, or contractor, or prospective employer or contractor, and at any other facility where Respondent engages in the practice of physical therapy before accepting or continuing employment.

Respondent shall provide the probation monitor the names, physical addresses, mailing addresses, and telephone numbers of all employers and supervisors, or contractors, and shall inform the probation monitor in writing of the facility or facilities at which Respondent engages in the practice of physical therapy for purposes of allowing the probation monitor to communicate with the employer, supervisor, or contractor regarding the Respondent's work status, performance and monitoring.

The information will be provided in writing to the probation monitor within ten (10) calendar days and will include written employer confirmation of receipt.

9. Notification of Change of Name or Address

Respondent shall notify the Board, in writing, of any and all name and/or address changes within ten (10) days of the change.

10. Restriction of Practice - Temporary Services Agencies

Respondent shall not work for a temporary services agency or registry.

11. Restriction of Practice - Clinical Instructor of Physical Therapy Student Interns or Foreign Educated Physical Therapist License Applicants Prohibited

Respondent shall not supervise any physical therapy student interns, foreign educated physical therapist license applicants or other individuals accumulating hours or experience in a learning capacity in physical therapy during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

12. Prohibited Use of Aliases

Respondent shall not use aliases and shall be prohibited from using any name which is not his/her legally-recognized name or based upon a legal change of name.

13. Intermittent Work

If Respondent works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three consecutive months, those months shall not be counted toward satisfaction of the probationary period. Respondent is required to immediately notify the probation monitor or his or her designee if he/she works less than 192 hours in a three-month period.

14. Tolling of Probation

The period of probation shall run only during the time Respondent is practicing or performing physical therapy within California. If, during probation, Respondent does not practice or perform within California, Respondent is required to immediately notify the probation monitor in writing of the date Respondent is practicing or performing physical therapy out of state, and the date of return, if any. Practicing or performing physical therapy by Respondent in California prior to notification to the Board of Respondent's return will not be credited toward

completion of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.

15. **Violation of Probation**

Failure to fully comply with any component of any of the probationary terms and conditions is a violation of probation.

If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

16. **Request to Surrender License Due to Retirement, Health or Other Reasons**

Following the effective date of this probation, if respondent ceases practicing or performing physical therapy due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation Respondent may request to surrender his/her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable; Respondent makes application for the renewal of the tendered license or makes application for a new license.

17. **Completion of Probation**

Respondent shall comply with all financial obligations required by this Order (e.g., cost recovery, restitution, probation costs) not later than 180 calendar days prior to completion of probation unless otherwise specified in Order. Upon successful completion of probation, Respondent's license shall be fully restored.

18. **Practice or Performance of Physical Therapy While on Probation**

It is not contrary to the public interest for Respondent to practice and/or perform physical therapy under the probationary conditions specified in the disciplinary order. Accordingly, it is not the intent of the Board that this order, the fact that Respondent has been disciplined, or Respondent is on probation, shall be used as the sole basis for any third party payor to remove Respondent from any list of approved providers.

19. Probation Monitoring Costs

Respondent shall reimburse all costs incurred by the Board for probation monitoring during the entire period of probation. Respondent will be billed at least quarterly. Such costs shall be made payable to the Physical Therapy Board of California and sent directly to the Physical Therapy Board of California. Failure to make ordered reimbursement within sixty (60) days of the billing shall constitute a violation of the probation order.

20. Restriction of Practice - Presence of Physical Therapist

Within thirty (30) calendar days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more proposed supervisors and a plan for each such supervisor by which Respondent's practice would be supervised. The Board will advise Respondent within fourteen (14) business days whether or not the proposed supervisor and plan of supervision are approved. Respondent shall not practice until receiving notification of Board approval of Respondent's choice of a supervisor and plan of supervision. Respondent shall complete any required consent forms and sign an agreement with the supervisor and the Board regarding Respondent and the supervisor's requirements and reporting responsibilities.

The plan of supervision shall be direct and require the physical presence of the supervising physical therapist in the physical therapy office during the time physical therapy is performed. Additionally, the supervisor shall have full and random access to all patient records of Respondent. The supervisor may evaluate all aspects of Respondent's practice regardless of Respondent's areas of deficiencies.

Each proposed supervisor shall be a California licensed physical therapist who shall submit written reports to the Board on a quarterly basis verifying that supervision has taken place as required and include an evaluation of Respondent's performance. It shall be Respondent's responsibility to assure that the required reports are filed in a timely manner. Each supervisor shall have been licensed in California for at least five (5) years and not have ever been subject to any disciplinary action by the Board. An administrative citation and fine does not constitute discipline and therefore, in and of itself is not a reason to deny an individual as a supervisor.

The supervisor shall be independent, with no prior business or professional relationship with Respondent and the supervisor shall not be in a familial relationship with or be an employee, partner or associate of Respondent. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by Respondent.

If Respondent is placed on probation due to substance or alcohol abuse, then the supervisor shall meet the following additional requirements:

The supervisor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee's disciplinary order and agrees to supervise the licensee as set forth by the Board. The supervisor shall have face-to-face contact with the licensee in the work environment on a frequent basis as determined by the Board, but at least once per week. The supervisor shall interview other staff in the office regarding the licensee's behavior, if applicable. The supervisor shall review the licensee's work attendance and behavior.

The supervisor shall orally report any suspected substance abuse to the Board and the licensee's employer within one (1) business day of occurrence. If occurrence is not during the Board's normal business hours the oral report must be within one (1) hour of the next business day. The supervisor shall submit a written report to the Board within 48 hours of occurrence.

The supervisor shall complete and submit a written report monthly or as directed by the Board. The report shall include: the licensee's name; license number; supervisor's name and signature; supervisor's license number; worksite location(s); dates licensee had face-to-face contact with supervisor; worksite staff interviewed, if applicable; attendance report; any change in behavior and/or personal habits; any indicators that can lead to suspected substance abuse.

21. **Restriction of Practice – Prohibition of Home Care**

Respondent shall not provide physical therapy services in a patient's home.

22. **Restriction of Practice – Prohibition of Solo Practice**

Respondent shall be prohibited from engaging in the solo practice of physical therapy. Solo practice means a physical therapy business or practice where only Respondent provides patient care.

23. **Restriction of Practice - Prohibition of Self-Employment or Ownership**

Respondent shall not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Respondent shall not be a Board member or an officer or have a majority interest in any corporation that offers or provides physical therapy services.

24. **Restriction of Practice - Prohibition of Direct Billing of Third-Party Payers**

Respondent shall not have final approval over any physical therapy billings submitted to any third-party payers in any employment.

25. **Restriction of Practice - No Supervision of Physical Therapist License Applicants, Physical Therapist Assistant License Applicants**

Respondent shall not supervise any physical therapist license applicants or physical therapist assistant applicants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

26. **Restriction of Practice - No Supervision of Physical Therapist Assistants**

Respondent shall not supervise any physical therapist assistants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this Decision.

27. **Restriction of Practice - No Supervision of Physical Therapy Aides**

Respondent shall not supervise any physical therapy aides until a course in supervising assistive personnel (as required in Term O) has been completed and supervisor is approved by the Board or its designee. Respondent shall terminate any such supervisory relationship in existence on the effective date of this Decision.

28. **Abstain from Use of Alcohol, Controlled Substances and Dangerous Drugs**

Respondent shall abstain completely from the personal use of possession, injection, or consumption of any route, including inhalation, of all psychotropic (mood altering) drugs, including controlled substances as defined in the California Uniform, Controlled Substances Act, dangerous drug as defined by Section of the Business and Professions Code, or any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications. Within fifteen (15) calendar days of receiving any lawful prescription medications, Respondent shall notify the probation monitor in writing of the following: prescriber's name, address, and telephone number; medication name and strength, issuing pharmacy name, address, and telephone number, and specific medical purpose for medication. Respondent shall also provide a current list of prescribed medication with the prescriber's name, address, and telephone number on each quarterly report submitted. Respondent shall provide the probation monitor with a signed and dated medical release covering the entire probation period.

Respondent shall identify for the Board's approval a single coordinating physician and surgeon who shall be aware of Respondent's history of substance abuse and who will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances, psychotropic or mood altering drugs. Once a Board-approved physician and surgeon has been identified Respondent shall provide a copy of the accusation and decision to the physician and surgeon. The coordinating physician and surgeon shall report to the Board on a quarterly basis Respondent's

compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of such substances.

The Board may require that only a physician and surgeon who is a specialist in addictive medicine be approved as the coordinating physician and surgeon.

If Respondent has a positive drug screen for any substance not legally authorized, Respondent shall be ordered by the Board to cease any practice and may not practice unless and until notified by the Board. If the Board files a petition to revoke probation or an accusation based upon the positive drug screen, Respondent shall be automatically suspended from practice pending the final decision on the petition to revoke probation or accusation. This period of suspension will not apply to the reduction of this probationary period.

29. Biological Fluid Testing

Respondent shall immediately submit to and pay for any random and directed biological fluid or hair sample, breath alcohol or any other mode of testing required by the Board or its designee. Respondent shall be subject to a minimum of 52, but not to exceed, 104 random tests per year within the first year of probation, and a minimum of 36 random tests per year thereafter, for the duration of the probationary term. Respondent shall make daily contact as directed by the Board to determine if he or she must submit to drug testing. Respondent shall have the test performed by a Board-approved laboratory certified and accredited by the U.S. Department of Health and Human Services on the same day that he or she is notified that a test is required. This shall insure that the test results are sent immediate to the Board. Failure to comply within the time specified shall be considered an admission of a positive drug screen and constitute a violation of probation. If test results in a determination that the urine was too diluted for testing, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation. If an "out of range result" is obtained, the Board may require Respondent to immediately undergo a physical examination and to complete laboratory or diagnostic test to determine if any underlying physical condition has contributed to the diluted result and to cease practice. Any such examination or laboratory and testing costs shall be paid by respondent. An "out of range result" is one in which, based on scientific principles, indicates Respondent attempted to alter the test results in order to either render the test invalid or obtain a negative result when a positive result should have been the outcome. If it is determined Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation and Respondent must cease practicing. Respondent shall not resume practice until notified by the Board. If Respondent tests positive for a banned substance, Respondent shall be ordered by the Board to cease any practice, and may not practice unless and until notified by the Board. All alternative drug testing sites due

to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

30. **Drug & Alcohol Recovery Monitoring Program**

Within fifteen (15) calendar days from the effective date of this Decision, Respondent shall enroll and participate in the Board's drug & alcohol recovery monitoring program at Respondent's cost until the drug & alcohol recovery monitoring program determines that participation in the drug & alcohol recovery monitoring program is no longer necessary.

Respondent shall comply with all components of the drug & alcohol recovery monitoring program. This includes the fact that the Board may receive reports on all aspects of Respondent's participation in the drug & alcohol recovery monitoring program. Respondent shall sign a release authorizing the drug & alcohol recovery monitoring program to report all aspects of the drug & alcohol recovery monitoring program as requested by the Board or its designee.

Failure to comply with requirements of the drug & alcohol recovery monitoring program, terminating the program without permission or being expelled for cause shall constitute a violation of probation by Respondent and shall be immediately suspended from the practice of physical therapy.

If Respondent is not accepted into the drug & alcohol recovery monitoring program for any reason, then the following probation condition shall apply.

Upon order of the Board, Respondent shall undergo a clinical diagnostic evaluation. Respondent shall provide the evaluator with a copy of the Board's Decision prior to the clinical diagnostic evaluation being performed.

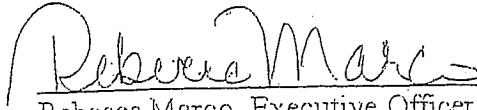
Any time Respondent is ordered to undergo a clinical diagnostic evaluation, Respondent shall cease practice for a minimum of one (1) month pending the results of a clinical diagnostic evaluation. During such time, Respondent shall submit to random drug testing at least two (2) times per week.

Respondent shall cause the evaluator to submit to the Board a written clinical diagnostic evaluation report within ten (10) days from the date the evaluation was completed, unless an extension, not to exceed thirty (30) days, is granted to the evaluator by the Board. The cost of such evaluation shall be paid by Respondent.

Respondent shall cease practice until the Board determines that he or she is able to safely practice either full-time or part-time and has had at least one (1) month of negative drug test results. Respondent shall comply with any restrictions or recommendations made as a result of the clinical diagnostic evaluation.

THIS DECISION SHALL BECOME EFFECTIVE ON March 20, 2012

IT IS SO ORDERED ON March 20, 2012

A handwritten signature in cursive script, reading "Rebecca Marco", written over a horizontal line.

Rebecca Marco, Executive Officer
Physical Therapy Board of California